

REMARKS/ARGUMENTS

This Amendment is submitted in response to the final Office Action mailed June 7, 2011 ("Office Action"). At that time, claims 1, 4-10, 12-22, and 24-31 were pending in the Application. All pending claims stand rejected.

Applicants respectfully traverse these rejections. By this paper claim 32 is newly added. Exemplary support for new claim 32 can be found in paragraph [0021] as well as Figures 1-3 of the present application. Upon entry of this paper, claims 1, 4-10, 12-22, and 24-32 will be before the Examiner for consideration on the merits.

Claim Rejections under 35 U.S.C. §§ 102(b) and 103(a)

Claims 1, 4, 5, 13-17, 25-28 and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,954,729 issued to Bachmann ("Bachmann"). Claims 6 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bachmann. Claims 8, 20 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bachmann in view of U.S. Patent No. 6,413,269 B1 issued to Bui et al. ("Bui"). Claims 7, 9, 10, 12, 19, 21, 22, 24 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bachmann in view of U.S. Patent Application Publication No. 2002/0183827 filed by Derus et al. ("Derus").

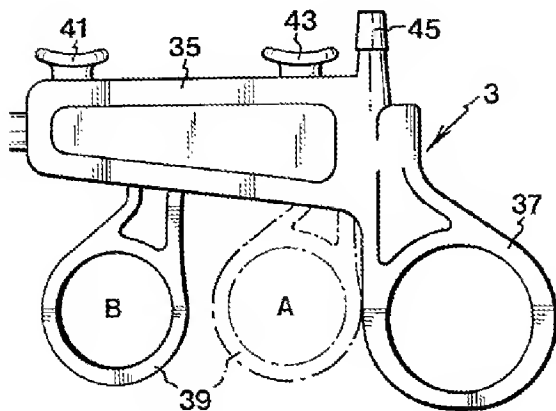
Claims 1, 13, and 25

Each of claims 1, 13, and 25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bachmann. Applicants respectfully traverse this rejection.

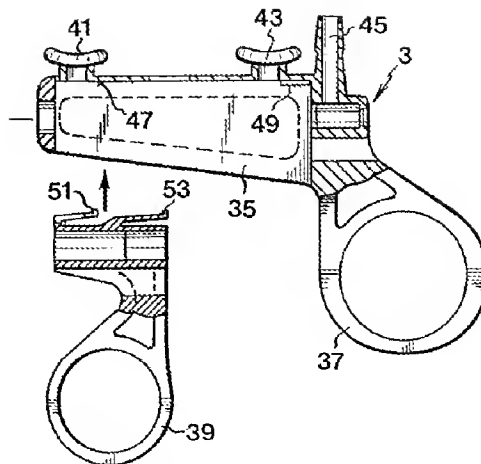
It is well settled that a claim is anticipated under 35 U.S.C. § 102(b) only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” MPEP §2131, citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants respectfully submit that Bachmann fails to teach each element of claims 1, 13, and 25. For example, claim 1 recites a deployment mechanism having first and second release members, “wherein the first release member and the second release member are configured to be serially retracted to provide staged release of the stent *such that retracting the second release member moves the first release member and the outer tubular member proximally and longitudinally relative to the inner tubular member.*” (emphasis added).

The Office Action identifies elements 43 and 41, respectively, of Figure 6 of Bachmann as the first and second release members. (See Office Action, pg. 3.) However, these elements do not correspond to the first and second release members recited in claim 1. Figures 1 and 6 of Bachmann, portions of which are reproduced below, illustrate the function of elements 43 and 41.



From Figure 1 of Bachmann



From Figure 6 of Bachmann

The device of Bachmann is configured to longitudinally displace the tubular portions of the device by displacing the loop handle 39 in the longitudinal direction. Positions “A” and “B” shown in Figure 1 of Bachmann illustrate the two extreme positions of the element. See Bachmann, col. 5 lines 1-5. Elements 43 and 41 are depressible buttons configured to interact with springs (53, 51 of Figure 6) of the loop handle 39. These springs 53, 51 are configured to lock the loop handle 39 in the extreme back or extreme forward positions. Depressing the buttons 43, 41 unlocks the springs and frees the loop handle 39 to move between these positions.

Again, Claim 1 recites a device wherein “retracting the second release member moves the first release member and the outer tubular member proximally and longitudinally relative to the inner tubular member.” In the device of Bachmann, retracting the second release member does not move either the first release member nor the outer tubular member. Comparison of Figures 1 and 2 of the current

application, reproduced below, shows how displacement of the second release member 300 correlates with displacement of the first release member 200.

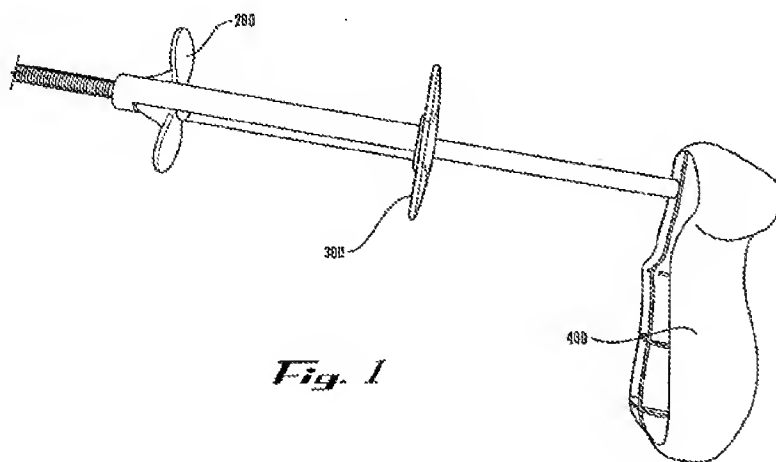


Figure 1 of Application

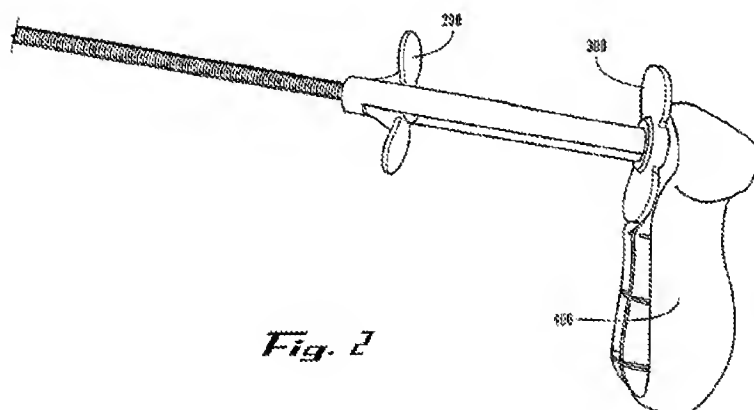


Figure 2 of Application

Figure 1 shows both the second release member 300 and the first release member 200 in relatively distal positions. Figure 2 illustrates the relative position of both members 300, 200 when the second release member 300 has been retracted; the first release member 200 is also retracted.

At least because Bachmann fails to teach release members as described in claim 1, Applicants respectfully submit that claim 1 is patentable over Bachmann and respectfully request withdrawal of the rejection of claim 1.

Claims 13 and 25 include analogous language to that discussed in connection with claim 1 above. Thus, for at least the reasons discussed above, Applicants request the rejections of claims 13 and 25 similarly be withdrawn.

Claims 4-10, 12, 14-22, 24, and 26-31

As detailed above, each of these claims were rejected 35 U.S.C. § 102(b) as unpatentable over Bachmann or under 35 U.S.C. § 103(a) as unpatentable over Bachman or Bachman in view of the other references listed above.

According to MPEP §2143.03, to establish a prima facie case of obviousness, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” (citing *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (C.C.P.A. 1970)). “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious.” MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

With regard to both the § 102(b) rejections and the § 103(a) rejections, Applicants respectfully point out that each of claims 4-10, 12, 14-22, 24, and 26-31 depend, either directly or indirectly, on one of claims 1, 13, or 25 and thus contain all the limitations of these claims. Therefore, for at least the reasons discussed in connection

with claims 1, 13, and 25, Applicants respectfully submit that claims 4-10, 12, 14-22, 24, and 26-31 are patentable over the cited art and request withdrawal of these rejections.

CONCLUSION

Applicants respectfully assert that the pending claims are patentable over the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

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